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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,861	03/05/2002	Cary Lee	LEEC3055/EM	8355

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EXAMINER

PENG, FRED H

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,861

Applicant(s)

LEE, CARY

Examiner

fred peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: "The network" in line 2 should be changed to "a network". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Weinstein et al (US 2004/0148636 A1).

Regarding Claim 1, Weinstein anticipates a method for displaying banner on a TV screen (See 231, FIG. 2C), used in a set-top box (140, 150, 161, FIG. 1) connected to a TV set (120, FIG. 1), wherein the set-top box connects to a network (163, FIG. 1), for receiving a banner information to let a TV screen display images carrying the banner information (231, 232, FIG. 1), the method comprising the steps of:

(A) Receiving at least one image signal selected from the group consisting of a TV-transmitted image signal, a video-transmitted image signal, or a compact disk drive-transmitted image signal (Tuner 150 receives television signals, FIG. 1);

(B) Processing the image signal to obtain a size-reduced image signal so that the size-reduced image signal displayed on the TV screen is reduced in size (232, FIG. 2C, Paragraph 69 lines 1-6), and positioning the size-reduced image signal on the TV screen (232 in FIG.2C is positioned on the upper left corner of the TV screen);

(C) Receiving banner information via a network (161,162,163, FIG. 1, Paragraph 43 lines 1-6);

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(D) Processing banner information to obtain a banner image signal displayed on the TV screen (231, FIG. 2C, Paragraph 70 lines 1-3);

(E) Outputting the size-reduced image signal and the banner image signal to the TV set (231, 232, FIG. 2C).

Regarding Claim 2, Weinstein further anticipates the position of the size-reduced image signal displayed on the TV screen is different from the position of the banner image signal displayed on the TV screen (position of 231 is different from 232, FIG. 2C).

Regarding Claim 3, Weinstein further anticipates the step (C) stores the banner information in the set-top box (Paragraph 84 lines 1-8).

Regarding Claim 6, Weinstein anticipates a set-top box (140, 150, 161, FIG. 1) used for connecting a network (162, 163, FIG. 1) and a TV set (120, FIG. 1) to let users browse websites and watch TV from a TV screen (Paragraph 21 lines 3-6), whereby the set-top box can receive at least one image signal and banner information (313, 315, FIG. 3), wherein the image signal is selected from the group consisting of a TV-transmitted image signal, a video-transmitted image signal, or a compact disk drive-transmitted image signal (150, FIG. 1), whereby the set-top box can download the banner information through a network (312, FIG. 3), the set-top box further comprises:

Means for processing the image signal to obtain a size-reduced image signal so that the size-reduced image signal displayed on the TV screen is reduced in size (232, FIG. 2C, Paragraph 69 lines 1-6), and positioning the size-reduced image signal on the TV screen (232 in FIG.2C is positioned on the upper left corner of the TV screen);

Means for receiving banner information via the network (161,162,163, FIG. 1, Paragraph 43 lines 1-6);

Means for processing banner processing banner information to obtain a banner image signal displayed on the TV screen (231, FIG. 2C, Paragraph 70 lines 1-3), and positioning of the banner image signal displayed on the TV (231 in FIG.2C is positioned on the upper right corner of the TV screen);

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Means for outputting the size-reduced image signal and the banner image signal to the TV set (231, 232, FIG. 2C).

Regarding Claim 7, Weinstein further anticipates the position of the size-reduced image signal displayed on the TV screen is different from the position of the banner image signal displayed on the TV screen (position of 231 is different from 232, FIG. 2C).

Regarding Claim 8, Weinstein further anticipates means for storing the banner information in the set-top box (Paragraph 84 lines 1-8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-5, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinstein et al (US 2004/0148636 A1) as applied to claims 1-3, 6-8 above, and further in view of Cuccia (US 6,337,719 B1).

Regarding Claim 4, Weinstein does teach all the limitations for Claims 1 and 3. Weinstein does not teach the set-top box retrieving the banner information stored in the set-top box if the set-top box cannot successfully receive the banner information via the network.

In an analogous art, Cuccia does teach the set-top box retrieving the banner information stored in the set-top box if the set-top box cannot successfully receive the banner information via the network (See Col 4 lines 47-55).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Weinstein with the set-top box retrieving the banner information stored in the set-top box if the set-top box cannot successfully receive the

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banner information via the network (See Col 4 lines 47-55) as a natural and standard backup to protect the banner in case the network is not available.

Regarding Claim 5, Weinstein further teaches the banner information stored in the set-top box was previously received by the set-top box (Paragraph 84 lines 1-8).

Regarding Claim 9, Weinstein does teach all the limitations for Claims 6 and 8. Weinstein does not teach means for retrieving the banner information stored in the set-top box if the set-top box cannot successfully receive the banner information via the network.

In an analogous art, Cuccia does teach means for retrieving the banner information stored in the set-top box if the set-top box cannot successfully receive the banner information via the network (See Col 4 lines 47-55).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Weinstein with means for retrieving the banner information stored in the set-top box if the set-top box cannot successfully receive the banner information via the network (See Col 4 lines 47-55) as a natural and standard backup to protect the banner in case the network is not available.

Regarding Claim 10, Weinstein further teaches the banner information stored in the set-top box was previously received by the set-top box (Paragraph 84 lines 1-8).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to fred peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 07:30-17:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached 7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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